

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

WILLIAM A. HIMCHAK, III,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2011-3102

Petition for review of the Merit Systems Protection Board in case no. DC1221100311-W-1.

ON MOTION

O R D E R

The Department of the Navy moves without opposition to reform the official caption to designate the Merit Systems Protection Board as the respondent.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. We

determine that the Board should be designated as the respondent.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The revised official caption is reflected above.

(2) William A. Himchak's brief is accepted. The Board's brief is due within 21 days of the date of filing of this order.

FOR THE COURT

JUN 15 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: William A. Himchak, III

Renee Gerber, Esq.

Michael Carney, Esq. (Copy of Petitioner's Informal Brief Enclosed)

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUN 15 2011

JAN HORBALY
CLERK